



DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY ARMOR CENTER AND FORT KNOX
FORT KNOX, KENTUCKY 40121-5000

REPLY TO
ATTENTION OF:

ATZK-CP (690-700)

20 November 2001

MEMORANDUM FOR

Commanders, All Units Reporting Directly to This Headquarters
Directors and Chiefs, Staff Offices/Departments, This Headquarters

SUBJECT: Thunderbolt Six Policy Memo No. 38-25 - Labor Management Relations

1. References:

- a. Chapter 71, Title 5, United States Code, Labor Management Relations.
- b. Fort Knox Labor Management Agreement (LMA), 20 Apr 01.

2. The Federal Labor-Management Relations law and the local Labor Management Agreement (LMA) set forth specific rights and obligations of both the union and the employer. While managers and supervisors retain the necessary rights to manage employees and the organization, the obligation exists to notify the union of anticipated changes in employee working conditions. For example, a reorganization, change in parking areas, physical relocation of employees, change in employee working hours, or planned assignment of additional duties and responsibilities are some of the areas that could involve a change in employee working conditions. By statute, management is required to negotiate with the union over matters like these prior to implementing changes.

3. Article 49 of the LMA establishes a very specific process for obtaining the union's input and negotiating changes to employee working conditions. The first step is to give the union the opportunity to provide their ideas and suggestions in the planning and pre-decisional phase. This can be accomplished in a variety of ways. The union's input might be solicited by inviting them to participate in planning meetings and including them in a verbal exchange of ideas. It might be accomplished by sending them a written document or email note. Whatever method is used, the important point is that I fully expect you to solicit their input and then to seriously consider the union's suggestions and ideas. A trait of a good leader is to obtain and consider views and ideas from a variety of sources when making decisions. Opposing or differing viewpoints provide the decision maker with options that ensure a more thorough and complete solution is reached.

4. Considering input and information from a variety of sources doesn't mean you abdicate your responsibility and authority for managing your organization. The Labor Management Relations Statute identifies rights exclusively retained by management that cannot be negotiated away.

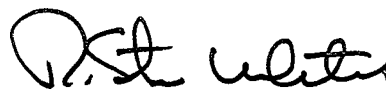
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For example, these include the right to assign work to employees, the determination of job classification (series/grade), or decisions affecting internal security. The Statute also identifies "permissive subjects" that management can elect (or not elect) to negotiate under formal procedures. These include the numbers and types of positions, the types of tools being used, the types of computers to be purchased, and other similar matters. In situations involving both types of categories, I still expect supervisors to actively solicit and consider input from the union. However, after consideration of this input, if the final decision is within management's authority to make, then I expect you to exercise your responsibility and make the right decision.

5. Subjects that are within management's rights or are within "permissively negotiable" categories are handled differently than those that are mandatorily negotiable. While it is important and expected that you will solicit input in all types of changes, those that impact on working conditions and fall within areas that MUST be negotiated with the union need a few extra steps. Even when union input has been considered along the way, there may still be a requirement to reach a formal negotiated agreement at the conclusion of the process. The Labor Specialist within the CPAC is available to assist and participate in that process and to help you with determining negotiability requirements along the way.

6. Not involving the union in planned or expected changes can result in grievances and charges from employees and the union that unnecessarily consume significant amounts of time that could be better used accomplishing mission requirements. It also negatively impacts on our relationship with the union, making the planned and any future changes more difficult to implement. By complying with the legal and contractual requirements and working with the union we can accomplish assigned missions in an effective and efficient manner. I expect every leader to talk and listen to the union. I also expect every leader to be honest and upfront about their intentions. Maintaining this installation's position as a thriving hub of intellectual capital and activity requires that we act, think, and work as a team. I expect no less.



R. STEVEN WHITCOMB
Major General, USA
Commanding

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